IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 13740 of 2007
DATE OF DECISION: 6.9.2007

M/s Radhey Sham Sarees (P) Ltd. and another

…Petitioners

Versus

State Bank of India and another

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR

HON'BLE MR. JUSTICE AJAY KUMAR MITTAL

Present: Mr. I.D. Singla, Advocate,
for the petitioners.

M.M. KUMAR, J.

This petition filed under Article 226 of the Constitution prays for quashing notice dated 9.4.2007 (P-3) and order dated 23.8.2007 (P-6), whereby representation of the petitioners has been rejected.

It is admitted position that notice under Section 13(4) of the Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 (for brevity, 'the Act'), was issued to the petitioner Company on 21.6.2007 after issuance of notice under Section 13(2) of the Act. Under Section 17 of the Act, a remedy of appeal is provided to challenge such order before the Debts Recovery Tribunal. Once the remedy of appeal is available to the

petitioners, it is not understood as to how the petitioners have approached this Court by filing the instant petition.

In view of the above, writ petition is dismissed leaving the petitioners free to approach the Debts Recovery Tribunal in accordance with law.

(M.M. KUMAR)
JUDGE

(AJAY KUMAR MITTAL)
JUDGE

September 6, 2007
Pkapoor